

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	CASE NO.: 21-01345-ESL 13
Fernando Amador Pares	*	
Debtor	*	CHAPTER 13
Fernando Amador Pares	*	
Plaintiff	*	
	*	Adversary
V	*	
	*	
Banco Popular of Puerto Rico	*	
Defendant	*	
*****		

COMPLAINT

TO THE HONORABLE COURT:

**Come now** Debtor, Fernando Amador Pares, represented by the undersigned attorney, and very respectfully states, alleges, and prays:

**Jurisdiction**

This a complaint pursuant to 28 USC 1334, since the outcome could alter the debtor's rights over his property and as per 11 USC 7001 (1) a proceeding to determine the validity, priority or extent of a lien or other interest in property.

**Facts**

1. Banco Popular de Puerto Rico (BPPR) has filed claim no. 7 on June 14 2021. Ignacio Alvarez is the CEO of Banco Popular de PR.
2. On June 17, 2017, debtor mailed a qualified written request under the Real Estate Settlement Procedures Act (RESPA) to

creditor Banco Popular of Puerto Rico (BPPR), requesting debtors history of payment, reinstatement, insurance and escrow analysis, and a payoff quote.

3. Of all the information requested on the letter above described only a payoff quote was received.
4. On such payoff quote show an over charge on corporate advances of \$4,398.24; escrow impound overdraft of \$5,248.48; unpaid late charges \$4,610.31; legal docs handling \$11,740.00 these charges are unacceptable without any reasonable details. As per rule 3001 Rule 3001 if the claim and supporting documents are incomplete the Court may deny or reduce the claim as it deems proper.<sup>1</sup>

#### **The Law**

5. Creditor BPPR is charging interest as per proof of claim no. 7 until 4/30/2026 due from 9/1/2012. This is illegal as such

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<sup>1</sup> . Proof of Claim

(a) FORM AND CONTENT. A proof of claim is a written statement setting forth a creditor's claim. A proof of claim shall conform substantially to the appropriate Official Form.

(b) WHO MAY EXECUTE. A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005.

(c) SUPPORTING INFORMATION.

(1) Claim Based on a Writing. Except for a claim governed by paragraph (3) of this subdivision, when a claim, or an interest in property of the debtor securing the claim, is based on a writing, a copy of the writing shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

(2) Additional Requirements in an Individual Debtor Case; Sanctions for Failure to Comply. In a case in which the debtor is an

individual: (A) If, in addition to its principal amount, a claim includes

**interest, fees, expenses, or other charges incurred before the petition was filed, an itemized statement of the interest, fees, expenses, or charges shall be filed with the proof of claim.**

interest is unmatured in violation of 11 USC 502 (b) (2)<sup>2</sup> and 1325 (a) (5).

Wherefore, debtor prays that this Honorable Court denies the claim filed by BPPR and grants attorneys fees to debtor.

In Carolina, P.R this Wednesday, July 14, 2021

s/Pablo E. García Pérez  
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<sup>2</sup> Except as provided in subsections..... if such objection to claim is made the court after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition. And shall allow such claim, except to the extent that;

1...

2. such claim is for unmatured interest